

REMARKS

This application has been reviewed in light of the Office Action dated September 8, 2008. Claims 1-16 are presented for examination, of which Claims 1, 5, 9, and 12 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 1-16 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that the recitations "a first enterprise data collection," "a first enterprise," "a second enterprise data collection," "a second enterprise," "a transponder-reader," "a fob," and an "object database system" are not "adequately described from the descriptive portion of the specification and are not clear as to [their] meets and bounds." *See* Office Action, page 3. Applicants respectfully disagree.

Foremost, Applicants note that the standard for interpreting claims with regard to 35 U.S.C. 112, second paragraph, is one of ordinary skill in the art. MPEP § 2106 (II) (C). Particularly, MPEP § 2106 (II) (C) recited, in part:

USPTO personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum. If elements of an invention are well known in the art, the applicant does not have to provide a disclosure that describes those elements.

In addition, "[b]readth of a claim is not to be equated with indefiniteness." MPEP § 2173.04.

Read with this standard in mind, Applicants submit that these recitations are adequately described in the specification and are clear as to their meets and bounds. First, explicit support for these terms can be drawn from the specification. *See*, for instance, paragraphs 37-39, 105, and 106. Second, these terms are so remedial in nature that they would

be readily apparent to one of ordinary skill in the transaction processing art. For instance, one of ordinary skill in the art would recognize that “a first enterprise data collection unit,” by its very own terms, is a unit that collects data related to a first enterprise. These recitations are not abstract. The outer limits of each recitation is clearly defined by the meaning of the terms themselves within each recitation and by the other features explicitly recited in each claim.

Accordingly, it is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested. Should the next Office Action maintain this rejection, then Applicants respectfully request the courtesy of a telephonic conversation with the Examiner and further clarification of the rationale relied by the Office for rejecting these claims under 35 U.S.C. 112, second paragraph.

The Office Action rejected Claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,317,721 (“*Hurta*”). Applicants respectfully traverse these rejections and submit that independent Claims 1, 5, 9, and 12, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness against Claim 1. The Office Action admits that *Hurta* “does not specifically disclose a second application comprising a common file structure, a fob and a first and a second enterprise data collection.” *See* Office Action, page 3. The Office Action then looks to Official Notice for these teachings. *Id.* Even if the Office Action’s Official Notice statements are proper, the Office Action still fails to establish obviousness against Claim 1 for the following reasons.

As conceded by the Office Action, *Hurta* fails to teach a fob and the first and second enterprise data collection units. It follows that *Hurta* also fails to teach a system, such as

the “update logic system”, which routes information using those admittedly lacking features. Accordingly, Applicants respectfully submit that the Office Action failed to treat the “update logic system” features of Claim 1 on the merits.

Indeed, the sole obviousness rationale provided by the Office Action recites:

Official Notice is taken that, as understood, a common file structure, a fob and a first and second enterprise data collection used in the database art has been common knowledge in the art. To have provided such for Hurta would have been obvious to one of ordinary skill in the art.

(Emphasis added.)

Even if those features could be incorporated into *Hurta*’s system, there still has not been provided any rationale which explains how the system of *Hurta* could be modified to arrive at the claimed “update logic system” of Claim 1, which routes information using those admittedly lacking features of *Hurta* “. . . to effect synchronization of said transponder information associated with said fob and said fob object database system.”

Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claims 5, 9, and 12 include features similar to those discussed above in connection with Claim 1. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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